

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 14-18 are rejected under 35 USC 102(b) as being anticipated by Heatley (US Pat 7, 164, 936):

As to claims 1-2, Heatley teaches a method of operating a telephony service on a telephony network (*Abstract and col. 1, lines 20-35*), the method comprising:

establishing and/or requesting a telephonic connection and/or a call between a caller and a call recipient (*Abstract and col. 2, lines 1-5: between calling user and called user*).

receiving a command signal (*See Abstract*) initiated by the caller and/or the call recipient and/or the telephony network during any phase in the call process, the command signal comprising a data signal and/or tone (*col. 2, lines 5-11*); and

initiating a service to the caller and/or the call recipient, or initiating a transaction between the caller and the call recipient in response to receiving the command signal other than a standard call connect and/or disconnect command (*col. 4, lines 53-58: The HLR 56 is a database which stores user-specific information relevant to the provision of telecommunications services and identifying whether a given teleservice or bearer*

service can be provided for a user, and also containing user preferences defining how the user wishes the network to handle calls).

As to claim 3, Heatley teaches a method of operating a telephony service wherein the call recipient is any person, a company or any other entity with a directory and/or dialed telephone number (*col. 2, lines 1-4: the network also sends to the telephone associated with the calling user data indicative of the name of the called user for use by the calling user in adding an entry to the telephone directory).*

As to claim 4, Heatley teaches method of operating a telephony service according to claims 1, which includes the step of prompting the caller and/or the call recipient to provide the command signal (*Col. 1, lines 30-35 and col. 2, lines 34- 39: if the retrieved user profile contains a predetermined indication indicative of a corresponding condition associated with that called user, sending to the calling user a command for causing a telephone associated with the calling user to enter a predetermined menu function associated with that condition).*

As to claims 5-6, Heatley teaches a method of operating a telephony service wherein the service and/or transaction are/is automatically assembled in response to various criteria, including the caller and/or call recipient attributes (*col. 5, line 59 - col. 6, line 2: states "The number you have called is in Message Mode. You may speak a short message or key a text message." This indicates that the recipient's status is unavailable and this instructs the caller to leave or text the message)* and the called destination (*i.e., col. 1, lines 64-65: when the call from the calling user is made by entering the destination number via a keypad).*

Furthermore, Heatley teaches the called destination include mobile or fixed (*fig. 2 shows mobile telephones 10 and conventional mobile telephones 40*) , and national or international (*Col. 4, lines 14-20 and Fig. 2 show various subsystems in the GSM network which indicates that the call/service is capable of either national or international*).

As to claim 7-8, Heatley teaches a method of operating a telephony service wherein the command signal is issued by the caller prior to the call connect command. Furthermore, the command signal can either be prefixed or postfixed to the call recipient's directory and/or dialed telephone number (*col. 8, lines 12-14*): *the name of the called party is sent in the Phone Book Update command signal, and stored by the control unit 26 in readiness for use in this procedure*).

As to claim 14, Heatley teaches a method of operating a telephony service wherein the command signal is provided using a biometric trigger, based on either voice and/or fingerprint recognition (*col. 4, lines 49-52: an interactive voice response facility (IVR) 64*).

As to claim 15, Heatley teaches a method of operating a telephony service wherein the command signal comprises audio tones and/or data signals and/or signals (*i.e., signaling data, col. 1, line 25: col. 2, line 15*) transported over control channels and/or the network from a mobile telephone (*Fig. 2 and col. 4, lines 38-42: The NSS 36 comprises an exchange system 46 and user and terminal equipment databases 48. The exchange system 46 comprises a plurality of interconnected mobile services*

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switching centres 50, only one which is shown, which are connected to the user and terminal equipment databases 48. This indicates the communication over the network)

As to claims 16-18, Heatley teaches method of operating a telephony service which includes the step of automatically associating a function indicated by the command signal with the caller as identified by the directory telephone number of the caller (*col. 1, lines 60-63: when the call from the calling user is made by selecting an entry from the telephone directory, said predetermined menu function is an edit function of the telephone directory function*). Furthermore, Heatley teaches a method of operating a telephony service wherein the directory telephone number of the caller is established by caller line identity or CLI (*col. 8, lines 34-38: the control unit is programmed to compare the CLI of an incoming call with the entries of the phone book (this is a known act for displaying the stored name of a matching entry)*). And furthermore, Heatley teaches a method of operating a telephony service which includes the step of automatically associating the function indicated by the command signal with the call recipient, as indicated by the directory telephone number entered when establishing the telephonic association (*Col. 2, lines 1-5: the network also sends to the telephone associated with the calling user data indicative of the name of the called user for use by the calling user in adding an entry to the telephone directory*).

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 are rejected under 35 U.S.C.103(a) as being unpatentable over Heatley (US Pat 7, 164, 936) in view of Guibourge (US Pub 2004/0119755).

As to claim 9-13, Heatley teaches a method of operating a telephony service. Heatley does not explicitly teach the data signal and/or tone relates to one of the "*", "0" or "#" keys of the telephone equipment of the caller, each of the "*", "0" or "#" keys is associated with a different category of service or transaction, the "*" key is associated with telephony and billing functions, the "0" key is associated with interactive network operator and information services access, and the "#" key is associated with commercial banking transactions between the caller and the call recipient. Furthermore, Heatley does not explicitly teach a dedicated key is used to provide the

command signal. And furthermore, Heatley does not explicitly teach the dedicated key is selected from a group comprising the "@" symbol, a colour coded key, and a programmable key and/or menu and/or button.

Guibourge teaches "quick dialing methods and systems for use with communications devices are described. Such communications devices are often characterized by a limited keypad to enter and access contact numbers. The described quick dialing technique reduces the number of keys used to dial a number, and thus a device using the technique may be operated blindly or with one hand, par. 0005).

Furthermore, Guibourge teaches Attributes such as colors, sounds, text fonts, graphics (i.e., pictures, icons, photos, images, animations, and bitmaps), and sorting methods are optionally assigned to lists and to the contacts within each list. When a contact is selected or dialed by actuating a key, for example, color and sound attributes associated with the list containing the contact are displayed, thereby providing visual and non-visual cues that correct keys have been actuated.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to incorporate the teachings of Guibourge into Heatley for the purpose of providing the greater service to the subscriber who can program their phone and assign a specific function or service for different key on the pad. Few examples are listed as banking, movie, school, library, restaurant, friend or family and many more. It is also leave the choices to the subscriber to assign any specific key to his or her choice of service. If one would want to associate the "#" key with commercial banking transactions, it would be his/her choice. If one would want to color-coded or

(illumination) light-code, it would also be his/her choice. Even from the development perspective, it would also be obvious to practice that it is an engineering design to assign a specific key of choice to specific function or service for the most convenience. (Examiner's point of clarification: It is well-known in the art that key "0" was reserved for the network operator and information services access. With the big leap of telephonic advancement with so many pioneering development in this filed, complications and greater demands for better and quick service came along, key "0" is now reserved for interacting with the network operator while "411" is assigned to the information services access. Similar in practice, "911" is for emergency).

INQUIRY

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Phung-Hoang J Nguyen/
Examiner, Art Unit 2614

/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614